

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

FEB - 1 2016

Clerk, U.S. District Court
District Of Montana
Billings

RONALD O. LATRAY,

Plaintiff,

vs.

JULIE MEES and RODNEY SOUZA,

Defendants.

CV 15-135-BLG-SPW

ORDER

Plaintiff Ronald Latray filed a Motion to Proceed in Forma Pauperis and a proposed Complaint. (Docs. 1, 2). Latray alleges Mees violated his constitutional rights when she charged him with criminal conduct and Judge Souza violated his rights when he conspired to conceal Mees' misconduct. (Doc. 1 at 6).

United States Magistrate Judge Carolyn Ostby granted Latray's motion to proceed in forma pauperis. (Doc. 4). Pursuant to 28 U.S.C. §§ 1915 and 1915A, she also screened the Complaint to determine if it stated any viable causes of action. She concluded that Mees is entitled to prosecutorial immunity and Judge Souza is entitled to judicial immunity. (Doc. 4 at 4). Accordingly, she issued Findings and Recommendations, in which she recommends that this Court dismiss Latray's Complaint.

Latray objected to the Findings and Recommendations. (Doc. 6).

Therefore, Latray is entitled to a de novo review of the portions to which he objected. 28 U.S.C. § 636(b)(1). Latray's objection reiterates the allegations in his Complaint: that is, that Mees violated his constitutional rights by charging him with "unsupported" criminal charges and Judge Souza conspired to conceal the misconduct when he was made aware of it. (*See gen.* Doc. 6). Despite these allegations, Latray failed to establish that Mees and Judge Souza were no longer entitled to immunity.

Latray's allegations lack merit under the law and will be dismissed. After a de novo review of Judge Ostby's findings and recommendations, Judge Ostby did not make clear error.

Accordingly, IT IS HEREBY ORDERED that:

1. Judge Ostby's Findings and Recommendations (Doc. 4) are ADOPTED IN FULL.
2. Latray's Complaint (Doc. 2) is DISMISSED with prejudice.
3. The Clerk of Court shall close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.
4. The Clerk of Court shall have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any

appeal of this decision would not be taken in good faith. The record makes plain the instant Complaint lacks arguable substance in law or fact.

DATED this 1st day of February 2016.


SUSAN P. WATTERS
United States District Judge